

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

CASE NO. 4:18-CV-04017-SOH

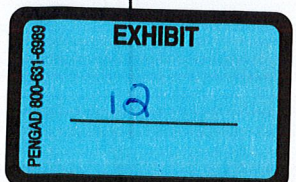
v.

KIMBERLY HOFFMAN, et al.

DEFENDANTS

ORAL DEPOSITION
OF
MELISSA STONER
MARCH 29, 2019
VOLUME 1

ORAL DEPOSITION OF MELISSA STONER, produced as a witness at the instance of the PLAINTIFF, CRAIG SHIPP, and duly sworn, was taken in the above-styled and numbered cause on the 29th day of March, 2019, from 11:02 a.m. to 12:02 p.m., before LEICA TURNER, a Certified Shorthand Reporter in and for the State of Texas, reported by machine shorthand, at the offices of Leigh & Associates Court Reporting, 3930 Galleria Oaks Drive, Suite 159, Texarkana, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.



1 A P P E A R A N C E S

2 FOR THE PLAINTIFF CRAIG SHIPP:

3 MR. DEREK S. FRANSEEN
4 WALSH & FRANSEEN
200 East 10th Street Plaza
Edmond, Oklahoma 73034
5 Phone: 405.843.7600
6 Fax: 405.606.7050
dfranseen@walshlawok.com

7 FOR THE MEDICAL DEFENDANTS:

8 MS. MICHELLE BANKS ODUM
HUMPHRIES, ODUM & EUBANKS
9 1901 Broadway Street
Little Rock, Arkansas 72206
10 Phone: 501.420.1776
michelle@humphrieslaw.net

11 FOR THE ADC DEFENDANTS:

12 MS. ROSALYN MIDDLETON
13 ASSISTANT ATTORNEY GENERAL
CIVIL DEPARTMENT
14 323 Center Street
Suite 200
15 Little Rock, Arkansas 72201
Phone: 501.682.8122
16 Fax: 501.682.2591
rosalyn.middleton@arkansasag.gov

17
18
19 ALSO PRESENT:

20 Ms. Diane Cunningham
21
22
23
24
25

I N D E X

WITNESS: MELISSA STONER

	PAGE
Appearances	2
Changes and Signature	42
Reporter's Certificates	44
Examination by Mr. Franseen	4
Examination by Mr. Odum	37
Examination by Mr. Franseen	38

E X H I B I T I N D E X

EXHIBIT NO.	DESCRIPTION	PAGE MARKED
1 Medical Records (Bates CCS 536 - CCS 590)	24

P R O C E E D I N G S

(All parties present have hereby waived the
introductory reading by the
deposition officer as required by Rule 30(b)(5).)

MELISSA STONER,
having been first duly cautioned and sworn, testified as
follows:

EXAMINATION

BY MR. FRANSEEN:

Q. Please state your full name.

A. Melissa Joyce Stoner.

Q. Have you gone by any other names?

A. Melissa Ross and Melissa Stewart.

Q. How do you spell Stewart?

A. S-t-e-w-a-r-t.

Q. I guess what was your birth last name?

A. Stewart.

Q. Okay. And do you know what year you became
Ross?

A. 2 -- no, not 2 -- 1991.

Q. Was that due to marriage?

A. Yes.

Q. When did you become Stoner?

A. 1996.

Q. And was that due to marriage?

1 Q. When did you next return to SWACC?

2 A. In 2012.

3 Q. Did you work at any facilities that were
4 correctional or jail settings?

5 A. Yes, sir, I worked at Telford from 2006 when
6 we moved back to 2011.

7 Q. And is that Telford?

8 A. T-e-l-f-o-r-d.

9 Q. Where is Telford at?

10 A. In New Boston, Texas.

11 Q. Do you remember how they handled their medical
12 device approval?

13 A. Telford is totally different from CCS.

14 Q. How would they do it?

15 A. Medical would prescribe it. It's a prison
16 setting. It's like full murderers and rapists. Totally
17 different setting.

18 Q. Do you know if there's any approval needed by
19 the warden?

20 A. Not to my knowledge. I don't know.

21 Q. So then you returned to SWACC. Since 2012
22 until now, are you aware of any changes in that
23 procedure as far as approving medical devices by
24 SWACC?

25 A. No, sir.

1 Q. Are you still employed there?

2 A. No, sir.

3 Q. When did you last work at SWACC?

4 A. In July of 2016.

5 Q. And why did your employment end there?

6 A. They accused me of making comments about a
7 case or a patient on social media which I did not.

8 Q. Did you make any comments on social media
9 about any work-related issue there?

10 A. I made a comment about doing a head-to-toe
11 assessment and getting yelled at for it.

12 Q. Did you notify -- identify who the patient was
13 or anything?

14 A. No, sir, I did not.

15 Q. Were you the nurse who did the head-to-toe
16 assessment?

17 A. Yes, sir, I was.

18 Q. Do you remember why you were yelled at for
19 doing a head-to-toe assessment?

20 A. She was concerned about his pupillary reaction
21 and that he had fallen on my shift. I went in to assess
22 him and security would not allow me to. And that is in
23 my note. And that there were no changes in his
24 condition after he fell and that I should have informed
25 the doctor.

1 Q. I'm going to hand you -- it was Exhibit 1 in
2 Ms. Smith's deposition and it will stay Exhibit 1 for
3 yours. It is CCS 536 through CCS 590. There on the
4 first page, is there an encounter there by you?

5 A. Yes, sir.

6 Q. In that encounter, where is the drainage that
7 you're describing?

8 A. On the sock and bandage.

9 Q. Is that a sign of infection?

10 A. Not necessarily.

11 Q. What is it a sign of?

12 A. It's serosanguinal drainage which means it's
13 blood-tinged. It's just blood-tinged.

14 Q. On something like that, do you notify the
15 doctor?

16 A. No, sir. It's expected.

17 Q. Let's go to CCS 541. Is there an encounter
18 there by you?

19 A. Yes, sir.

20 Q. What is -- is this a sick call encounter?

21 A. No, sir.

22 Q. What's this?

23 A. Treatment call.

24 Q. Did he go to medical for this?

25 A. Yes, sir.

1 Q. It's just kind of just part of his treatment
2 that's already been prescribed?

3 A. Yes, sir.

4 Q. If someone goes to a treatment call, are they
5 allowed to report something to you that can initiate
6 being seen by a doctor?

7 A. Not without a sick call.

8 Q. Did you refer him to a doctor on this case?

9 A. Yes, sir.

10 Q. So there's nothing preventing you from making
11 that decision to refer somebody to a doctor on a
12 treatment call?

13 A. Well, if it's for an ongoing thing, I can
14 refer him to the doctor, but if it's something new, he
15 has to place a sick call. This is ongoing.

16 Q. Per the procedures?

17 A. Yes, sir. It was a new diabetic ulcer.

18 Q. So since the 5th when he was first seen by
19 Dr. Lemdja, a second ulcer on his other foot started
20 during that time period?

21 A. Yes, sir. Well, it was a blister at the time.

22 Q. Do blisters turn into sores and ulcers?

23 A. They can, yes, sir.

24 Q. Do you agree it's important to -- for a
25 diabetic to have their orthotic device in order to help

1 prevent a blister or sore from potentially forming?

2 A. Yes, sir.

3 Q. Preventing it from initially forming is the
4 best way to prevent a sore from developing?

5 A. Yes, sir.

6 Q. And if a sore develops, do you agree that it
7 can potentially lead to an amputation?

8 A. If it does not heal, yes, sir.

9 Q. Prior to February 5th, that encounter we
10 already talked about, did you have any other interaction
11 with Mr. Shipp prior to that?

12 A. Just at pill call and treatment calls. I
13 didn't do any sick calls on him.

14 Q. You didn't evaluate his feet or anything?

15 A. Just at treatment call.

16 Q. Okay. But prior to February 5th, if that's
17 the first encounter with your name on it, would that
18 have been the first time you observed him?

19 A. I'm not -- I don't understand.

20 Q. Okay.

21 A. Rephrase it a little bit.

22 Q. If there's nothing documented with you prior
23 to February 5th, do you believe that you had any
24 treatment encounters with him?

25 A. No, sir.

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF ARKANSAS
3 TEXARKANA DIVISION

4 CRAIG SHIPP

PLAINTIFF

5 CASE NO. 4:18-CV-04017-SOH

6 v.

7 KIMBERLY HOFFMAN, et al.

DEFENDANTS

8 *****

9 REPORTER'S CERTIFICATION
10 ORAL DEPOSITION
11 OF
12 MELISSA STONER
13 MARCH 29, 2019
14 VOLUME 1

15 *****

16 I, LEICA TURNER, Certified Shorthand Reporter
17 in and for the State of Texas, do hereby certify to the
18 following:

19 That the witness, MELISSA STONER, was duly
20 sworn by the officer and that the transcript of the oral
21 deposition is a true record of the testimony given by
22 the witness;

23 I further certify that pursuant to FRCP Rule
24 30(f)(1) that the signature of the deponent:

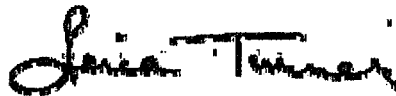
25 _____X_____ was requested by the deponent or a
party before the completion of the deposition and is to
be returned within 30 days from the date of receipt of

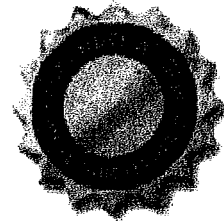
1 the transcript. If returned, the attached Changes and
2 Signature Page contains any changes and the reasons
3 therefor;

4 _____ was not requested by the deponent
5 or a party before the completion of the deposition.

6 I further certify that I am neither counsel
7 for, related to, nor employed by any of the parties or
8 attorneys to the action in with this proceeding was
9 taken. Further, I am not a relative or employee of any
10 attorney or record in this cause, nor am I financially
11 or otherwise interested in the outcome of the action.

12 Subscribed and sworn to on this the 15th day
13 of April, 2019.

14
15 
16



17
18 LEICA TURNER, Texas CSR #5622
19 Expiration Date: 12/31/19
20 Firm Registration No.: 684
21 LEIGH & ASSOCIATES
22 COURT REPORTING AND VIDEO
23 911 West Loop 281, Suite 211
24 Longview, Texas 75604
25 Telephone: (877) 790-3376
Facsimile: (877) 790-3377
www.leighreporting.com